

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7778-2018
Date of decision:22.2.2018

Ranjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Kaura, Advocate
for the petitioner.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 of the Criminal Procedure Code ('Cr.P.C.' - for short) for setting aside impugned order dated 7.6.2017 passed by learned Sub-Divisional Judicial Magistrate, Sardulgarh (P-7) arising out of FIR No.99 dated 20.9.2012 under Sections 420, 465, 467, 568, 471, 120-B of the Indian Penal Code ('IPC' - for short) registered at Police Station Sardulgarh vide which the application of the prosecution filed under Section 311 Cr.P.C. has been rejected.

Learned counsel for the petitioner has contended that a *Rapat*

Roznamcha No.641/22.6.2004 was entered by the then Halqa Patwari, Jaswant Singh and thus, he being the material witness ought to have been summoned and be examined as a prosecution witness.

Heard learned counsel for the petitioner and perused the paper-book.

Briefly stated facts of the case are that mother of the petitioner, namely, Tarjit Kaur got lodged the aforesaid FIR against Gursharan Singh @ Channu, Nirankar Singh and Mohinder Singh (respondents No.2 to 4 in the instant petition) with the allegation that abovesaid accused in connivance with each other, got prepared from *Patwari* a pedigree table in respect of inheritance of Devinder Singh son of complainant Tarjit Kaur and Tarjit Kaur complainant had been shown as dead and even two daughters of Davinder Singh have been eliminated from the pedigree table and in connivance with the *Patwari*, mutation of the land belonging to Davinder Singh was sanctioned in favour of Sukhraj Singh and other legal heirs being intentionally ignored regarding the inheritance of Davinder Singh and the land measuring 16 Kanals 10 Marlas has been transferred in the name of Sukhraj Kaur. Thereafter, investigation was conducted by the senior police officer and accordingly report under Section 173 Cr.P.C. was submitted.

Learned trial Court framed the charges against the accused and during pendency of the trial, prosecution moved an application under Section 311 Cr.P.C. (P-4) and para No.2 of which reads as under:-

“2. The report No.641 dated 22.6.2004 which was registered in the revenue record of Halka Patwari village

Sangha for registration of Mutation of deceased Davinder Singh, which was registered by Jaswant Singh, who at that time was posted as Patwari, who is not witness in the above said case. But for the proper disposal and justice of the case, statement of Jaswant Singh Halka Patwai, Sangha now posted at Hodl Kalan, District Mansa, who registered the report is very important.”

After notice, respondent No.2 filed replied to the application and reply to para No.2 of the same is as under:-

“2. That Para No.2 is wrong and denied, Roznamcha Rapat No.641/22.6.2004 was already proved by PW-1 Babu Singh Patwari on 22.1.2016. Hence there is no need to summon the Patwari Jaswant Singh.”

Learned trial Court after taking into consideration the statement of both the parties, has rightly dismissed the application by observing that the *Rapat Roznamcha* No.641/22.6.2004 has already been proved and same was exhibited by PW-1, namely, Babu Singh, Patwari. It is further observed that when report is already on record and the Patwari has also been examined, then no question of examining earlier *Halqua Patwari*, namely, Jaswant Singh arises.

Undisputedly, in the present case the *Rapat Roznamcha* No.641/22.6.2004 is already on record and the present Patwari has also been examined as PW-1, therefore, there is no occasion to summon the earlier *Patwari* for the purpose of *Rapat Roznamcha* No.641/22.6.2004 while invoking the provisions of Section 311 of the Cr.P.C.

Thus, there is no merit in the present petition. Consequently,
the same stands dismissed.

22.2.2018
Gaurav Sorot

(MAHABIR SINGH SINDHU)
JUDGE

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| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |